



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Dated: May 14, 2004

E. MARK EVERS, ROBERT G. GRAY
and VINCENT P. MANGANO

Our File: SRT 301

Serial No. : 09/939,443

Group Art Unit: 3621

Filing Date : August 24, 2001

Examiner: Elisca, Pierre E.

For : RELATIONSHIP-BASED COMMERCIAL
TRANSACTION SYSTEM AND METHOD

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MAY 19 2004

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS
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JUN 1 2004

GROUP 3600

Sir:

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181**

Applicants received a Notice of Abandonment dated April 16, 2004 in connection with their above-identified patent application. The Notice indicates that the application became abandoned for failure to respond to the Office action dated October 14, 2003. However, applicants mailed a response to that Office action in the form of a Request for Reconsideration, along with a Petition for Extension of Time on April 14, 2004. A copy of that response (including a Certificate of Mailing dated April 14, 2004) and a copy of our return receipt postcard indicating receipt of those documents, is enclosed with this Petition. We ask that the U.S. Patent and Trademark Office withdraw the holding of abandonment on the above application because applicants' response was timely filed.

05/18/2004 SLUANG1 00000068 09939443

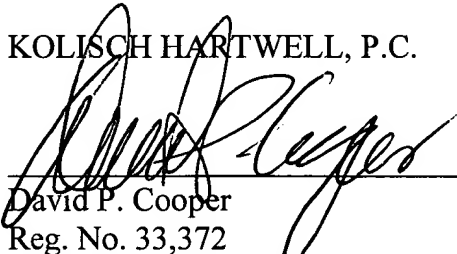
01 FC:1460

130.00 0P

Enclosed is our check in the amount of \$130.00 to cover the fee for this Petition. Please charge any underpayment of fees, or credit any overpayment of fees, to our Deposit Account No. 11-1540. In addition, please telephone the undersigned if there are any questions regarding this matter.

Respectfully submitted,

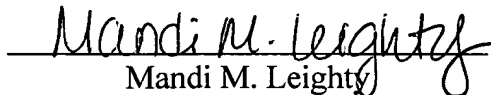
KOLISCH HARTWELL, P.C.



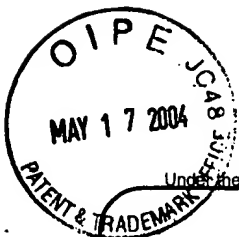
David P. Cooper
Reg. No. 33,372
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Of Attorneys for Applicants

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 14, 2004.



Mandi M. Leighty



TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/939,443	
	Filing Date	August 24, 2001	
	First Named Inventor	E. Mark Evers	
	Art Unit	3621	
	Examiner Name	Elisca, Pierre E.	
Total Number of Pages in This Submission	17	Attorney Docket Number	SRT 301

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	copy of Request for Reconsideration and related documents filed 4/14/2004
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David P. Cooper Kolisch Hartwell, P.C.
Signature	
Date	May 14, 2004

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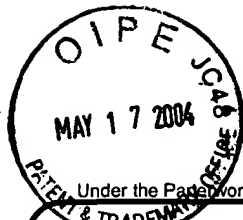
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CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Mandi M. Leighty		
Signature		Date	May 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	09/939,443
Filing Date	August 24, 2001
First Named Inventor	E. Mark Evers
Examiner Name	Elisca, Pierre
Art Unit	3621
Attorney Docket No.	SRT 301

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MAY 19 2004

OFFICE OF PETITIONS

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

11-1540

Kolisch Hartwell, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	1053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for ex parte reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
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1254 1,480	2254 740	Extension for reply within fourth month
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1453 1,330	2453 665	Petition to revive - unintentional
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1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))
1801 770	2801 385	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

130.00

SUBMITTED BY

Name (Print/Type)	David P. Cooper	Registration No. (Attorney/Agent)	33,372	Telephone	(503) 224-6655
Signature		Date	May 14, 2004		

(Complete (if applicable))

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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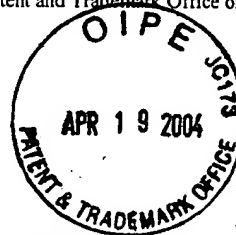
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OFFICE OF PETITIONS

PATENT

SN/Pat. No. 09/939,443 KH File No. SRT 301 Atty/Asst. DPC:mm1
Applicant(s) Mark E. Evers et al. Date 4-14-04
Title Relationship-Based Commercial Transaction System...
The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:
☐ PA w/ sheets of drawings ☒ Transmittal
☐ Declaration / Power of Attorney ☐ Small Entity Status
☐ Assignment ☒ Extension of Time 3 mos.
☒ Response to OA dated: 10/14/03 ☐ Correction of Filing Receipt
☐ Issue Fee /Publication Fee ☐ Maintenance Fee No.
☐ Response to MP dated: ☒ Fee Transmittal
☐ Information Disclosure Statement (with PTO-1449 forms and references)
☐ Other
☐ Other
☒ Check for \$ 475.00 ☐ Other **DOCKETED**
☒ Certificate of Mailing ☒ First Class ☐ Express Mail No. By JA Date 5/2/04



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/939,443	RECEIVED
	Filing Date	August 24, 2001	
	First Named Inventor	Mark E. Evers	MAY 19 2004
	Art Unit	3621	
	Examiner Name	Elisca, Pierre E.	OFFICE OF PETITIONS
Attorney Docket Number	SRT 301		
Total Number of Pages in This Submission	12		

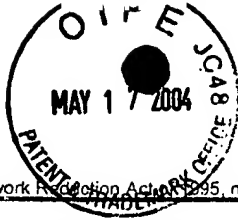
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div> <div>RECEIVED JUN 1 2004 GROUP 3600</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David P. Cooper Kolisch Hartwell, P.C.
Signature	
Date	April 14, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Mandi M. Leighty		
Signature		Date	April 14, 2004

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 475.00

Complete if Known

Application Number 09/939,443
Filing Date August 24, 2001
First Named Inventor Mark E. Evers
Examiner Name Elisca, Pierre E.
Art Unit 3621
Attorney Docket No. SRT 301

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

11-1540

Kolisch Hartwell, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

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SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
10	-20** = 0	9.00	0.00
4	-3** = 0	43.00	0.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
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**or number previously paid, if greater. For Reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

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1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475.00
1254 1,480	2254 740	Extension for reply within fourth month	
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1453 1,330	2453 665	Petition to revive - unintentional	
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1806 180	1806 180	Submission of Information Disclosure Stmt	
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1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 475.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type) David P. Cooper
Registration No. 33,372
Telephone (503) 224-6655
Signature
Date April 14, 2004

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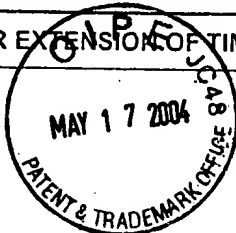
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional) SRT 301



In re Application of Mark E. Evers et al.

Application Number 09/939,443

Filed August 24, 2001

For Relationship-Based Commercial Transaction System...

Art Unit 3621

Examiner Elisca, Pierre E.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))☐ Two months (37 CFR 1.17(a)(2))☒ Three months (37 CFR 1.17(a)(3))☐ Four months (37 CFR 1.17(a)(4))☐ Five months (37 CFR 1.17(a)(5))

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OFFICE OF PETITIONS

\$ _____

\$ _____

\$ 950.00

\$ _____

\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475.00☒ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 11-1540.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 33,372☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 14, 2004

Date

(503) 224-6655

Telephone Number

Signature

David P. Cooper

Typed or printed name

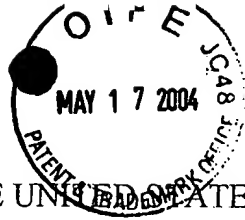
NOTE: Signatures of all the inventors or assignees of record of the entire interest, or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUN 4 2004
GROUP 3600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

In Re Application Of:

Dated: April 14, 2004 **MAY 19 2004**

E. MARK EVERS, ROBERT G. GRAY
and VINCENT P. MANGANO

OFFICE OF PETITIONS

Our File: SRT 301

Serial No. : 09/939,443

Group Art Unit: 3621

Filing Date : August 24, 2001

Examiner: Elisca, Pierre E.

For : RELATIONSHIP-BASED COMMERCIAL
TRANSACTION SYSTEM AND METHOD

MAIL STOP: FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

Responsive to the first Office action dated October 14, 2003, applicant amends the above-identified application as follows:

There are no amendments to the claims. A listing of the claims still appears beginning on page 2 of this paper.

Remarks begin on page 7.

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JUN 1 2004
GROUP 3600

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Original) A non-third-party, purchaser/vendor exclusive commercial transaction method, wherein traditional third-party participation is absent and fully replaced by specific patterns of commercial relationships which have been pre-developed and pre-qualified between purchaser/vendor users of the method, and which method is designed for practice in conjunction with a computer-based, broad-area, information-exchange network, said method comprising

establishing a participating group of vendors of products and/or services, qualifying vendors in the group, and connecting this group to such a network,

establishing a participating group of purchasers of such products and/or services and qualifying these purchasers,

creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors, and

furnishing each purchaser with a personal network-access key which contains information fully allowing that purchaser, through connection with the network, to utilize the mentioned package of relationships associated with that purchaser and the selected vendors.

2. (Original) The method of claim 1 which is specifically designed for use in association with the field of commercial trucking activities.

3. (Original) The method of claims 1 or 2 which further comprises enabling participating vendors to revise their respective qualifications for participation.

4. (Original) The method of claims 1 or 2 which further comprises enabling participating purchasers to revise their respective qualifications for participation.

5. (Original) Establishing an open-ended group of network participants, including plural vendors and plural purchasers of various products and/or services,

pre-qualifying such participants for use of the network by creating, with respect to each purchaser and to a selected plurality of associated vendors with whom the purchaser may wish to engage in commercial transactions, a set of specific, agreed-upon commercialize-relationship protocols, which set may differ from a like set created for other purchasers and associated vendors,

connecting the vendors to the network,

enabling such a connection for the purchasers, and

furnishing each purchaser with a purchaser-specific, network-access, portable appliance key which allows that purchaser selectively to connect and disconnect from the network, and which contains a network-communicable database which allows utilization by a connected purchaser of the specific set of protocols defined for and associated with that purchaser and with the selected associated vendors,

wherein a connection made by a purchaser to the network using the appliance key enables a direct commercial, transactional link between the purchaser and each vendor associated with the protocol set created for that purchaser, each of which links allows for a direct purchaser/vendor commercial transaction over the network without there occurring any associated, participating, branching outside of the link to include any third-party transaction activity.

6. (Original) The method of claim 5, which is specifically designed for use in association with the field of commercial trucking activities.

7. (Original) A non-third-party, purchaser/vendor specific, commercial transaction system, wherein third-party participation is absent, and fully replaced by specific patterns of commercial relationships which have been pre-developed and pre-qualified between users of the system, and which system is designed for practice in conjunction with a computer-based, broad-area, information-exchange network, said system comprising

a computer-accessible database relating to participating vendors of products and/or services appropriately connected to such a network,

a computer-accessible database relating to participating purchasers of such products and/or services and appropriately connectable to such a network, and

a key access tool providable to purchasers and connectable to such a network for identifying a particular purchaser to the network, and for accessing, within the network, pre-agreed upon, commercial-transaction protocols established for each purchaser and selected vendors,

connection by a purchaser through the associated key access tool to the network enabling a direct commercial, transactional link between that purchaser and each vendor associated with the specific purchaser through the pre-agreed-upon protocols, whereby a direct purchaser/vendor commercial transaction over the network takes place without there occurring any associated, participating, branching outside to include any third-party transaction activity.

8. (Original) A computer and network-based commercial transaction method employed between participating vendors and purchasers of various goods and/or services, wherein there has been established, between such vendors and purchasers, specific patterns of pre-agreed upon commercial transactional relationships, and the participating purchasers are engaged in work spans of time characterized by plural, successive requests for such goods and/or services, said method comprising

furnishing a vendor-/purchaser-accessible communication network poised to implement such relationship patterns,

enabling commercial transactional connections over the network between participating vendors and purchasers, and

as an outcome of said enabling, and over a defined span of time, promoting the realization of plural successive transactions between a participating vendor and a participating purchaser, which transactions take place, one after another, without the expenditure of time during that span to conduct per-transaction, lateral transaction approvals and/or authorizations.

REMARKS

Responsive to the first Office action, applicant respectfully requests favorable reconsideration of the prior-art rejections, and issuance of a Notice of Allowance. In the Office action, the Examiner rejected claims 1-4 and 8 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the combined teachings of U.S. Patent No. 5,946,665 to Suzuki et al. and U.S. Patent No. 5,995,626 to Nishioka et al. The Examiner also rejected claims 5-7 under § 103(a) as being unpatentable over the combination of Suzuki et al. and Nishioka et al. and U.S. Patent No. 5,983,199 to Kaneko.

Applicant respectfully traverses each of the Examiner's rejections below. Based upon the remarks which follow, applicant believes it has shown the Examiner why the original claims patentably distinguish over the applied prior-art.

Suzuki et al. discloses a search server system in an on-line shopping system that uses a communications network to provide shopping information for a customer. Suzuki et al. is focused on providing search capability to a retail store customer, allowing that customer to search for desired goods, and allowing that customer to buy goods on-line. Nowhere does Suzuki et al. disclose or suggest, as claim 1 recites, "establishing a participating group of purchasers of such products and/or services and qualifying these purchasers" or the step of "creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors".

In contrast to the on-line retail shopping system that is the focus of Suzuki et al., the invention concerns, as claim 1 recites, a “non-third party, purchaser/vendor exclusive commercial transaction method.”

The Examiner recognizes at page 3 of the first Office action that Suzuki et al. also fails to show or suggest a “personal network-access key” as recited in the final step of claim 1. The Examiner contends that Nishioka et al. describes the use of cryptographic keys in an electronic shop in the system.

Nishioka et al., like Suzuki et al., is focused on a typical retail purchase transaction, and it describes an electronic shopping method that includes the use of a key K by a purchaser to purchase products. Nishioka et al. focuses on an electronic retail shopping transaction in which a credit card company can authenticate the legality of a user on the basis of information sent from a retail store.

In contrast to the focus of Nishioka et al., applicant’s invention as recited in claim 1, recites a “non-third-party, purchaser/vendor exclusive commercial transaction method”. The credit card company involvement in Nishioka et al. is exactly the third-party involvement that is absent from the method recited in claim 1. The final step of claim 1 recites “furnishing each purchaser with a personal network-access key which contains information fully allowing that purchaser, through connection with the network, to utilize the mentioned package of relationships associated with that purchaser and the selected vendors.” Nowhere in claim 1 do the steps require involvement by a third-party, such as a credit card company, to authenticate the legality of the purchaser, or to authorize the transaction.

The Examiner rejected claims 5-7 by making substantially the same arguments as he made for claims 1-4. For reasons described above, Suzuki et al. and Nishioka et al. do not show or suggest the network of claim 5 or the non-third-party, purchaser/vendor specific, commercial transaction system of claim 7. For example, claim 7 recites that the system includes a key access tool that allows "connection by a purchaser through the associated key access tool to the network establishing a **direct commercial, transactional link between that purchaser and each vendor associated with the specific purchaser through the pre-agreed-upon protocols...without there occurring any associated, participating, branching outside to include any third-party transaction activity.** This same requirement is made in the final step of the method recited in claim 5.

Accordingly, for reasons described above, applicant respectfully requests favorable reconsideration, withdrawal of the §103(a) rejections of pending claims 1-8, and issuance of a Notice of Allowance.

Respectfully submitted,

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2004.

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